

**ONE MAN COMMISSION HEADED
BY
JUSTICE E. PADMANABHAN(RETD.)
ON
DETERMINATION OF SALARY, PENSION ETC.
TO
JUDICIAL OFFICERS & PENSIONERS**

**A
REPORT**

**SUBMITTED
ON
17th JULY, 2009**

**AT
NEW DELHI**

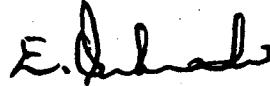
REPORT SUBMITTED BY MR. JUSTICE E. PADMANABHAN
(RETD.)
ONE MAN COMMISSION

The One Man Commission appointed by the Hon'ble Supreme Court in IA No. 244 in WP (C) No.1022/1989, after determination of revision of pay, allowances, perquisites payable to Judicial Officers, revised pension and other allowances payable to pensioners and family pensioners, is placing its Report dated 17-7-2009 before this Hon'ble Court.

The Commission places it on record the valuable, prompt, sincere services rendered even during holidays and cooperation extended by the Supreme Court staff, namely (1) Mr. Badr-ul-Islam, Assistant Registrar, (2) Mr. Vishal Anand, Senior Personal Assistant, (3) Mr. Jagmohan Singh, Court Assistant, (4) Mr. Bhaskar Mehra, Junior Court Assistant, (5) Mr. Raja A., Junior Court Attendant and (6) Mr. S.K. Mishra, Junior Court Attendant in sending Circulars, assisting during hearings, determining the pay scales, allowances, perquisites etc., preparing and typing the Report, which enabled this Commission to submit its Report well in time.

This Commission also records with appreciation the cooperation extended by Mr. M.P. Bhadran, Secretary General, Mr. T. Sivadasan, Registrar (Judl.I), Mr. Sunil Thomas, Registrar (Admn), Mr. Mahant Ram, Assistant Registrar and all the concerned staff members of the Supreme Court in promptly providing accommodation, infrastructure, assigning staff and for making various arrangements in the Supreme Court Assembly Hall for hearing All India Judges Association and their members.

The One Man Commission also express its gratitude to this Hon'ble Court for giving an opportunity to serve the judiciary and in assisting this Hon'ble Court in the determination and calculation of Pay Scales, Allowances, Perquisites etc. of Judicial Officers and Judicial Pensioners.



Justice E. Padmanabhan (Retd.)
(One Man Commission)

Dated: 17th of July, 2009
At New Delhi

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JUSTICE E. PADMANABHAN (RETD)
ONE MEMBER COMMISSION

REPORT

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PART-I**Scope of determination of Pay Scales, allowances etc. by the Commission**

1. The Hon'ble Supreme Court by Order dated 28-4-2009 (Annexure 'A') appointed this Commission to determine the pay scales of all the Judicial Officers etc. throughout the country on the basis of the Hon'ble Justice Shetty Commission's Report i.e. First National Judicial Pay Commission.
2. This Commission is directed to determine scales of pay, allowances, perquisites etc. of Judicial Officers in the cadre of (i) Civil Judges (Junior Division), (ii) Civil Judges (Senior Division), (iii) District Judges (Entry Grade), (iv) District Judges (Selection Grade) and (v) District Judges (Super Time Scale) having regard to the recommendations already made by the Hon'ble Justice Shetty Commission in respect of the pay scales, allowances and other perquisites of the Judicial Officers, and so also revised Pensionary benefits payable to Judicial Pensioners.

Accordingly, this Commission has undertaken the exercise of determination of pay scales, pension etc. and submit this Report.

"END OF PART-I"

END OF PAGE-3

PART - IIProcedure adopted by Commission

3. As per directions, this One Man Commission issued Circular/Notice dated 4-5-2009 to all concerned inviting response/representations with respect to revision of Basic Pay/DA/Pension etc. of Judicial Officers. Copy of Circular/Notice is appended as Annexure 'B'. The last date for response was fixed as 10-6-2009. The Commission also fixed a schedule of dates for hearing personal representations of various Associations/Individuals/State's Representatives/Pensioners and Pensioners' Associations, which commenced on 15-6-2009 and continued till 3-7-2009. A copy of Schedule of dates of personal hearing and a list of Judicial Officers, Pensioners, representatives who made oral submissions before the Commission are appended as Annexure 'C' and 'D'.
3 (a) In all, 260 representations/response/ suggestions were received by the Commission from Central Government, various State Governments, various High Courts, Associations of Judicial Officers, individual Judicial Officers, Pensioners Associations, individual pensioners and family pensioners as well, whose details are set out in Annexure 'E'. The

END OF PAGE-4

representations/response/suggestions (in original) are kept in a Separate Envelope and submitted with this Report.

3 (b) In all 89 Judicial Officers, Office Bearers of Associations, individual Judicial Officers, Pensioners Associations, a Retired High Court Judge and Govt. representatives with Advocates appeared before this Commission and were heard during the period of three weeks.

3 (c) Representations, suggestions etc. made in writing as well as at the time of hearing and deliberations held are taken into consideration while determining the Pay Scale, increments, allowances, DA, Pension, Perquisites, other benefits for the Judicial Officers and Pensioners.

"END OF PART-II"

END OF PAGE-5

PART - III

DETERMINATION OF REVISED PAY SCALES,
INCREMENTS, ALLOWANCES, PERQUISITES
ETC.

4. Revised scale of pay etc.

Pay Scale, D.A., CCA, Increments, Perquisites, Pension etc. as determined by this Commission based on the First National Judicial Pay Commission, are set out hereunder in this Part and Part-IV, which contain Section 1 to 26.

SECTION - 1

5. Details of Judicial Officers who are entitled to the present determination of revised pay scales etc. are as under:-

5(a) Cadre of Judicial Officers who are covered by the present determination are:-

- (i) Civil Judges i.e. Civil Judges (Junior Division)
(Already nomenclature changed by First National Judicial Pay Commission in para 5.86 Chapter 5 Volume I).
- (ii) Civil Judges (Senior Division)
- (iii) District Judges (Entry Level)
- (iv) District Judges (Selection Grade)
- (v) District Judges (Super Time Scale)

"District Judges mean and include regular District Judges and Presiding Officers of Labour Courts and Industrial Tribunals".

END OF PAGE-6

5(b) With respect to States of Maharashtra, Gujarat and Kerala, District Judges' will include the Presiding Officers of Labour Courts and Industrial Tribunals, as it has already been held by the Hon'ble Supreme Court in the following two pronouncements that the Presiding Officers of Labour Courts/Industrial Tribunals are holding the post of District Judges and the two categories shall not be treated differently:-

- (i) State of Kerala Vs. B. Renjit Kumar & Ors. = 2008 (8) JT 559
- (ii) State of Maharashtra Vs. Labour Law Practitioners Associations = 1998 (2) SCC 688

END OF PAGE-7

DETERMINATION:

6. This determination has been undertaken on the basis of First National Judicial Pay Commission's Report consequent to revision of scale of pay of the High Court Judges.

(a) The ratio adopted in this determination in relation to the salary of High Court Judges and Judicial Officers are as under:-

- (i) Mean basic pay at 45.28% (rounded off to 45.3%) for Civil Judges (Junior Division) (wrongly calculated and set out as 42.3% in Justice Shetty Commission's Report)
- (ii) Mean basic pay at 58.5% for Civil Judges (Senior Division)
- (iii) Mean basic pay at 71.6% for District Judges (Entry Level)
- (iv) Mean basic pay at 80% for District Judges (Selection Grade)
- (v) Mean basic pay at 91.7% for District Judges (Super Time Scale)

6(b) **Determination of Mean Basic Pay of the Judicial Officers**

The expression 'Mean Basic Pay' as adopted by the First National Judicial Pay Commission and the aforesaid respective ratios so fixed are followed and maintained by this Commission in

END OF PAGE-8

determining the Mean Basic Pay. The determination of Mean Basic Pay for the five categories of Judicial Officers works out as under:-

S. No.	Name of the Post	Existing Scale of Pay as per FNJPC Mean and % of Rs.26000/-	Revised Scale of Pay now worked out	Mean of Basic pay of the proposed scale	% of 80000/-
(I)	(II)	(III)	(IV)	(V)	(VI)
1.	Civil Judge (Junior Division) (Entry Level)	Rs.9000-250-10750-300-13150-350-14550 (Rs.11775) (45.3%)	Rs.27700-770-33090-920-40450-1080-44770	Rs.36235	45.3%
2.	Civil Judge (Sr. Division) (Entry Level)	Rs. 12850-300-13150-350-15950-400-17550 (Rs.15200) (58.5%)	Rs. 39530-920-40450-1080-49090-1230-54010	Rs.46770	58.5%
3.	District Judge (Entry Level)	Rs. 16750-400-19150-450-20500 (Rs.18625) (71.6%)	Rs. 51550-1230-58930-1380-63070	Rs.57310	71.6%
4	District Judge (Selection Grade)	Rs. 18750-400-19150-450-21850-500-22850 (Rs.20800) (80%)	Rs. 57700-1230-58930-1380-67210-1540-70290	Rs.63995	80%

END OF PAGE-9

5	District Judge (Super Time Scale)	Rs. 22850-500-24850 (Rs.23850) (91.7%)	Rs. 70290- 1540-76450	Rs.73370	91.7%
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PART - III

SECTION-2

REVISION OF MASTER PAY SCALE AND PAY SCALES
DETERMINED BY THIS COMMISSION

7. This Commission determine the Revised Master Pay Scale with effect from 1-1-2006 as under:-

Rs.27700-770-33090-920-40450-1080-49090-1230-58930-
1380-67210-1540-76450

(ii) The above proposed revised scale will replace the existing Master Pay Scale which is as under:-

Rs. 9000-250-10750-300-13150-350-15950-400-19150-450-
21850-500-24850

END OF PAGE-10

(i) Determination of revised Pay for 1 to 44 stages of Master Pay Scale and increments in the revised pay scale as on 1-1-2006 are as under

Table -I

SN	PAY STAGES			
	Pay	EXISTING Increment	Pay	PROPOSED Annual Increment
(I)	(II)	(III)	(IV)	(V)
1	9,000	250	27,700	770
2	9,250	250	28,470	770
3	9,500	250	29,240	770
4	9,750	250	30,010	770
5	10,000	250	30,780	770
6	10,250	250	31,550	770
7	10,500	250	32,320	770
8	10,750	300	33,090	920
9	11,050	300	34,010	920
10	11,350	300	34,930	920
11	11,650	300	35,850	920
12	11,950	300	36,770	920
13	12,250	300	37,690	920
14	12,550	300	38,610	920
15	12,850	300	39,530	920
16	13,150	350	40,450	1,080
17	13,500	350	41,530	1,080
18	13,850	350	42,610	1,080
19	14,200	350	43,690	1,080
20	14,550	350	44,770	1,080
21	14,900	350	45,850	1,080

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22	15,250	350	46,930	1,080
23	15,600	350	48,010	1,080
24	15,950	400	49,090	1,230
25	16,350	400	50,320	1,230
26	16,750	400	51,550	1,230
27	17,150	400	52,780	1,230
28	17,550	400	54,010	1,230
29	17,950	400	55,240	1,230
30	18,350	400	56,470	1,230
31	18,750	400	57,700	1,230
32	19,150	450	58,930	1,380
33	19,600	450	60,310	1,380
34	20,050	450	61,690	1,380
35	20,500	450	63,070	1,380
36	20,950	450	64,450	1,380
37	21,400	450	65,830	1,380
38	21,850	500	67,210	1,540
39	22,350	500	68,750	1,540
40	22,850	500	70,290	1,540
41	23,350	500	71,830	1,540
42	23,850	500	73,370	1,540
43	24,350	500	74,910	1,540
44	24,850		76,450	

The determination undertaken in respect of revision of Master Pay Scale is rounded off to nearest ten for convenience of calculation i.e. rounded off to nearest ten.

END OF PAGE 12

Table - II

8. The existing scale of pay of the posts and corresponding revised scale of pay determined as per ratio as on 1-1-2006 are as follows:-

S.No. (I)	Designation (II)	Existing Scale of Pay as per FNJPC (III)	Revised Scale of Pay now worked out (IV)
1.	Civil Judge (Junior Division) (Entry Level)	Rs.9000-250-10750- 300-13150-350-14550	Rs.27700-770-33090- 920-40450-1080- 44770
2.	Civil Judge (Junior Division) Ist Stage ACP Scale	Rs.10750-300-13150- 350-14900	Rs.33090-920-40450- 1080-45850
3.	Civil Judge (Junior Division) IIInd Stage ACP Scale	Rs. 12850-300-13150- 350-15950-400-17550	Rs. 39530-920- 40450-1080-49090- 1230-54010
4.	Civil Judge (Sr. Division) (Entry Level)	Rs. 12850-300-13150- 350-15950-400-17550	Rs. 39530-920- 40450-1080-49090- 1230-54010
5	Civil Judge (Sr. Division) I Stage A.C.P Scale	Rs. 14200-350-15950- 400-18350	Rs. 43690-1080- 49090-1230-56470
6	Civil Judge (Sr. Divn.) IIInd Stage ACP Scale	Rs. 16750-400-19150- 450-20500	Rs. 51550-1230- 58930-1380-63070
7.	District Judge (Entry Level)	Rs. 16750-400-19150- 450-20500	Rs. 51550-1230- 58930-1380-63070

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8	District Judge (Selection Grade)	Rs. 18750-400-19150-450-21850-500-22850	Rs. 57700-1230-58930-1380-67210-1540-70290
9	District Judge (Super Time Scale)	Rs. 22850-500-24850	Rs. 70290-1540-76450

PART - IIISECTION-3FITMENT

9. With respect to the scales of pay as already stated, the pay of the Judicial Officers in the cadre of Civil Judge (Junior Division), Civil Judge (Senior Division), District Judge (Entry Level), District Judge (Selection Grade) and District Judge (Super Time Scale), consequent to the revision of pay scales by Hon'ble Justice Shetty Commission, has already been fitted in one or the other of 1 to 44 of Master pay scale stages.

9(a) That being the factual position, the revision of pay scales consequent to the revision of Supreme Court and High Courts Judges (Salaries and Conditions of Service), Amendment notified on 9-1-2009, which upward revision works out to 3.07 times, the corresponding increase in scale of pay alone need to be arrived at as eligible scales of pay. Therefore, the question of fitment or fixation of pay by giving one or more increment or additional weightage does not arise.

END OF PAGE-14

9(b) In the Master Pay Scale, the pay at the existing rate and corresponding revised pay as determined by this Commission finds a place for stages 1 to 44 in Table I set out above and hence the question of fitment does not arise.

PART - III

SECTION-4

ANNUAL INCREMENT

10. In the Master Pay Scale itself following the recommendation of Hon'ble Justice Shetty Commission, six incremental stages as revised are set out for all the pay scales in Table I. Any further increase in annual increment will result in deviation of ratio fixed in the First National Judicial Pay Commission.

PART - III

SECTION-5

ASSURED CAREER PROGRESSION SCHEME

11. With respect to Assured Career Progression Scheme, the benefit of I and II Stage ACP Scales as recommended for the Civil Judges (Junior Division), Civil Judges (Senior Division) and so also financial upgradations on functional basis to Selection Grade

END OF PAGE 15

and Super Time Scale for District Judges by the First National Judicial Pay Commission is to be continued. The revised ACP scales are determined as under:-

S.No.	Designation	Existing Scale of Pay	Revised ACP Scale
(I)	(II)	(III)	(IV)
1.	Civil Judge (Junior Division) Ist Stage ACP Scale	Rs. 10750-300-13150-350-14900	Rs. 32090-920-40450-1080-45850 after 5 years of continuous service from the date of entry.
2.	Civil Judge (Jr. Division) IIInd Stage ACP Scale	Rs. 12850-300-13150-350-15950-400-17550	Rs. 39530-920-40450-1080-49090-1230-54010 after completion of another 5 yrs. of continuous service
3.	Civil Judge (Sr. Division) I Stage ACP Scale	Rs. 14200-350-15950-400-18350	Rs. 43690-1080-49090-1230-56470 after 5 yrs. of continuous service.
4.	Civil Judge (Sr. Division) IIInd Stage ACP Scale	Rs. 16750-400-19150-450-20500	Rs. 51550-1230-58930-1380-63070 after completion of another 5 yrs. of continuous service.

END OF PAGE 16

for the First National Super Time Scale and District Judges by the continued. The revised Judicial ACP J is under:- scales are

5	District Judge (Selection Grade)	Rs. 18750-400- 19150-450-21850- 500-22850	Rs. 57700-1230- 58930-1380- 67210-1540-70290 on merit-cum- seniority to available 25% of the cadre posts to those officers who have put in not less than 5 yrs. of continuous service in the cadre.
6	District Judge (Super Time Scale)	Rs. 22850-500- 24850	Rs.70290-1540- 76450 on merit- cum-seniority to available 10% of the Sel.Grade to those Officers who have put in not less than 3 yrs. of continuous service as Sel.GradeDistt Judges.

"END OF PART-III"

END OF PAGE 17

PART IV

DETERMINATION OF DEARNESS ALLOWANCE, C.C.A.,
OTHER ALLOWANCES, PERQUISITES ETC.

PART-IV

SECTION-6

DEARNESS ALLOWANCE

12. The recommendation of the First National Judicial Pay Commission as ordered by the Hon'ble Supreme Court is to be continued and followed.

PART -IV

SECTION-7

CITY COMPENSATORY ALLOWANCE

13. The recommendation of the First National Judicial Pay Commission and/as ordered by the Hon'ble Supreme Court is to be continued and followed.

PART -IV

SECTION-8

SUMPTUARY ALLOWANCE

14. This Commission determine Sumptuary Allowance as hereunder:-

- | | | |
|------------------------------------|---|-----------|
| (1) Civil Judges (Junior Division) | - | Rs.1500/- |
| (2) Civil Judges (Senior Division) | - | Rs.2300/- |

END OF PAGE 18

(3) District Judges (All Levels) - Rs.3100/-

PART -IV

SECTION-9

REIMBURSEMENT OF ELECTRICITY AND WATER CHARGES

15. As recommended by the First National Judicial Pay Commission and approved by this Hon'ble Court, the ratio of 50:50 is to be continued

PART -IV

SECTION-10

MEDICAL ALLOWANCE

16. This Commission determine Medical Allowance at Rs.1000/- p.m. for all Judicial Officers.

in service

Note: for pensioner
it is Rs.1500/-

PART -IV

SECTION-11

NEWSPAPER AND MAGAZINE ALLOWANCE

17. The recommendation of the First National Judicial Pay Commission and as approved by the Hon'ble, Supreme Court is to be continued and followed.

END OF PAGE 19

PART -IV

SECTION-12

HILL AREA/REMOTE AREA ALLOWANCE

18. This Commission determine the Hill Area Allowance at Rs.1500 p.m. to all Judicial Officers and it is for consideration and approval by this Hon'ble court.

PART -IV

SECTION-13

ROBE ALLOWANCE

19. This Commission determine the Robe Allowance at Rs.6000 payable once in three years and it is for consideration and approval by this Hon'ble Court .

PART -IV

SECTION-14

TELEPHONE FACILITY

20. The recommendation of the First National Judicial Pay Commission as approved by the Hon'ble Supreme Court is to be continued and followed.

END OF PAGE 20

PART -IV

SECTION-15

CONVEYANCE

21. The recommendation of the First National Judicial Pay Commission as approved by the Hon'ble Supreme Court is to be continued and followed.

PART -IV

SECTION-16

LTC.

22. Recommendation of the First National Judicial Pay Commission to continue, with modification suggested, hereunder, for consideration by the Hon'ble Supreme Court:-

i) The Judicial Officer concerned may be permitted to avail LTC on completion of two years of continuous service and after successful completion of the period of probation, while retaining the block period of 4 years as eligible period;

(ii) As per recommendations of Hon'ble Justice Shetty Commission, the retiring Judicial Officers are not eligible to undertake LTC in the last year of their service. This has to be modified, as if for reasons beyond control, Judicial Officers who are eligible to avail LTC, which they are eligible once in a block period of four years, may have been prevented by sufficient cause and there is no justification to deny the same benefit merely because they are left with one year of their service. Hence, if otherwise eligible to

END OF PAGE 21

avail LTC, even a Judicial Officer in the last year of his service may be allowed to avail LTC. This is for consideration of this Hon'ble Court.

PART -IV

SECTION-17

HTC

23. Recommendation by the First National Judicial Pay Commission to continue, with modification suggested herein, for consideration by the Hon'ble Supreme Court:-

"in case where a Judicial Officer is subjected to two or more transfers in the same cadre from one end of the State to other, for administrative reasons, he may be allowed to avail an additional Home Travel Concession in addition to the HTC for which he is eligible."

PART -IV

SECTION-18

SPECIAL PAY

24. The recommendation of the First National Judicial Pay Commission as approved by the Hon'ble Supreme Court is to be continued and followed.

END OF PAGE 22

PART -IV

SECTION-19

CONCURRENT CHARGE ALLOWANCE

25. The recommendation of the First National Judicial Pay Commission as approved by the Hon'ble Supreme Court is to be continued and followed.

PART -IV

SECTION-20

ENCASHMENT OF LEAVE.

26. The recommendation of the First National Judicial Pay Commission as approved by the Hon'ble Supreme Court is to be continued and followed.

PART -IV

SECTION-21

TRANSFER GRANT/DISTURBANCE ALLOWANCE

27. The recommendation of the First National Judicial Pay Commission as approved by the Hon'ble Supreme Court is to be continued and followed.

END OF PAGE 23

PART -IV**SECTION-22****HOUSING AND HRA ETC.**

28. The recommendation of the First National Judicial Pay Commission as approved by the Hon'ble Supreme Court is to be continued and followed.

PART -IV**SECTION-23****FUEL ALLOWANCE**

29. The recommendation of the First National Judicial Pay Commission as approved by the Hon'ble Supreme Court is to be continued and followed.

PART -IV**SECTION-24****ADVANCES****30(i) Soft loan to purchase Motor Vehicle**

This Hon'ble Court may consider and refix the limit at Rs.8 lakh with usual interest on par with State Government employees.

30(ii) House Building Advance

Housing loan as per First National Judicial Pay Commission in proportion to sixty months pay, with usual interest on par with State Government employees may be considered and fixed.

END OF PAGE 24

30 (ii) Advance for purchase of Computer

Advance for purchase of computer may be discontinued, as in terms of the E-Committee Scheme, Lap Top Computers have already been provided to all the Judicial Officers.

(ii) Advance for purchase of Computer

computer for purchase of
in terms of the E-Committee Scheme, Lap Top Computers have
already been provided to all the Judicial Officers.

PART-V

**PENSION STRUCTURE FOR PAST PENSIONERS I.E. WHO
RETIRED PRIOR TO 1-1-2006**

31. The recommendations of the First National Judicial Pay Commission with respect to past pensioners are given in paragraph 23.18 which are as under:-

- (1) The Revised Pension of the Retired Judicial Officers should be 50% of the minimum pay of the post held at the time of retirement, as revised from time to time.
- (2) There should not be any ceiling limit on the maximum pension payable.
- (3) The Pensioners should be given the benefit of full neutralization of the cost of living in the same scale as is being extended to the serving Judicial Officers.
- (4) A cash payment of Rs.1250/- per month as 'Domestic Help Allowance' to every retired Judicial Officer, which would be paid upon producing a certificate to that effect.
- (5) All retired Judicial Officers should be given a fixed monthly medical allowance of Rs.100/- to meet day-to-day medical expenses.
- (6) All the medical facilities that we have recommended to serving Judicial Officers with regard to treatment and

END OF PAGE 26

reimbursement of expenditure etc. be made applicable to retirees.

31 (a) In respect to recommendations Nos. 1, 2 and 3, no change is called for and the same shall continue.

31 (b) With respect to recommendation No.4 regarding cash payment of Rs.1250/- p.m. as domestic help allowance to retired judicial officer, this deserves to be increased from Rs.1250/- to Rs.2500/- per month to retired judicial officers. It is for the Hon'ble Supreme Court to consider and give Domestic Help Allowance to Family Pensioners and it is reasonable to pay Rs.1000/- to family pensioners.

31 (c) With respect to recommendation No.5 regarding payment of fixed monthly medical allowance, this deserves to be increased from Rs.100/- to Rs.1500/- to retired judicial officers. It is for the Hon'ble Supreme Court to consider and give Medical Allowance to family pensioners and it is reasonable to pay Rs.750/- to family pensioners.

31 (d) The other recommendation of First National Judicial Pay Commission at No.6 with regard to treatment and reimbursement of expenditure etc. holds good and the same to continue.

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PART-VRETIREMENT BENEFITS OF JUDICIAL OFFICERS
WHO RETIRE/RETIRED ON AND AFTER 1-1-2006**32. Retirement Benefits of Judicial Officers:-**

Pension, Quantum of Pension, Commutation of Pension, Gratuity/Death-cum-Retirement Gratuity, Leave Encashment of Leave, Family Pension, Domestic Help Allowance to Pensioners and Family Pensioners and Medical Allowance etc. as determined by this Commission based on the First National Judicial Pay Commission are set out hereunder in this Part, which contains Section 1 to 8.

PART-VSECTION-1PENSION

33. The First National Judicial Pay Commission has approved the existing requirement of 10 years of qualifying service for judicial officers to be eligible for minimum pension. The said Pay Commission recommended that the qualifying years of service should be 33 years for earning full pension, except in the States of Tamil Nadu and Kerala. This was based on the prevailing formula, mainly qualifying years of service for earning full

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pension, while considering the qualifying years of service in various States as well Central service.

33(a) Recently, the VIth Central pay Commission slashed the qualifying years of service for earning full pension from 33 years to 20 years and this has been notified and given effect by Central Government. This recommendation has been adopted by various State Governments with respect to their employees but benefits to be paid prospectively from 2-9-2008, the date, on which the Central Govt. issued the Notification.

33 (b) Hence, this Hon'ble Court may consider to slash the qualifying years of service from 33 to 20 years for entitlement to full pension to all the Judicial Officers.

PART-V

SECTION-2

Quantum of Pension

34. The First National Judicial Pay Commission fixed 50% of the average emoluments drawn during 10 months preceding the date of superannuation as pension. The Judicial Officers have been persistently representing that the weightage should be given to their legal education and practice at bar. Once the qualifying years of service for full pension is reduced from 33 years to 20 years as is done in the case of Central Govt.

*Last pay?
Grand a*

// ??

END OF PAGE 29

employees, the Judicial Officers may not have a justification to agitate this plea.

34(a) Hence it is for this Hon'ble Court to consider and issue directions either to continue the 33 years of qualifying service for earning full pension or to reduce the same to 20years, as has been done by the Central Government and various State Governments. If there is a slashing of qualifying years of service for full pension, the pensioners will get the benefit of such slashing.

34 (b) With respect to quantum of pension and calculation, the recommendations of Hon'ble Justice Shetty Commission will continue subject to a modification with respect to qualifying years of service for earning full pension, in terms of order that may be passed by this Hon'ble Court.

35 The quantum of pension/family pension available to the old pensioners/family pensioners, as seen from the VIth Central Pay Commission Report, has received additional attention and the said Commission has increased the pension/family pension by awarding additional quantum of pension/family pension with respect to the pensioners/family pensioners, who complete the age of 80 years,

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85 years, 90 years, 95 years and 100 years or more as hereunder:-

Age of Pensioner/Family Pensioner	Additional quantum of pension
From 80 years to less than 85 years	20% of revised basic pension/family pension
From 85 years to less than 90 years	30% of revised basic pension/family pension
From 90 years to less than 95 years	40% of revised basic pension/family pension
From 95 years to less than 100 years	50% of revised basic pension/family pension
100 years or more	100% of revised basic pension/family pension

35(a) The Judicial Officers have been pressing for an identical additional quantum of pension. In fact, most of them expressed that the longevity of pensioners above 65 years or 70 years is far less and, therefore, the additional quantum of pension may be modified as under so that they may get enhanced quantum of pension before they see their last day:

Age of Pensioner/Family Pensioner	Additional quantum of pension
From 70 years to less than 75 years	10% of revised basic pension/family pension
From 75 years to less than 80 years	20% of revised basic pension/family pension
From 80 years to less than 85 years	30% of revised basic pension/family pension
From 85 years to less than 90 years	40% of revised basic pension/family pension
From 90 years to less than 100 years	50% of revised basic pension/family pension
100 years or more	100% of revised basic pension/family pension

END OF PAGE 31

35(b) It is for the Hon'ble Supreme Court to consider the said demand and pass appropriate orders either to adopt the formula suggested by VIth Central Pay Commission or the above formula as suggested by the representatives of the Associations.

PART-V

SECTION-3

Commutation of Pension

36. The recommendation of First National Judicial Pay Commission for allowing commutation of pension for Judicial Officers upto a maximum of 50% of the pension is to continue.

PART-V

SECTION-4

Gratuity/Death-cum-Retirement Gratuity

37. The earlier Judicial Pay Commission has recommended that the rules of each State applicable to Govt. servants shall also govern the Judicial Officers in the matter of payment of gratuity and death-cum-retirement gratuity.

37(a) The VIth Central Pay Commission has increased the ceiling limit of gratuity from Rs.3.5 lakhs to Rs.10 lakhs with effect from 2-9-2008. Hence, this Hon'ble Court may consider and issue directions to revise the ceiling limit in the case of retiree Judicial Officers.

END OF PAGE 32

PART-V

SECTION-5

Encashment of leave

38. The recommendation of First National Judicial Pay Commission is to continue with respect to number of days which the Judicial Officers are entitled to encash and limit of Earned Leave for encashment and the same recommendation holds good.

PART-V

SECTION-6

Family Pension

39. The First National Judicial Pay Commission in para 22.63 recommended thus:-

"If the Central Government provides payment of family pension at 30% of the last pay drawn to the family members of the Judges of the Supreme Court and High Courts, we recommend similar benefit be provided to the family members of the Judicial officers in every State/UT. Till then, we suggest that the Rules of each State governing the payment of Family Pension to their Govt. servants may continue to apply even to the Judicial Officers."

- 39(a) From the amendment introduced to service conditions of Supreme Court and High Court Judges, 30% of the salary to the family members of the Judges of the Supreme Court and High Courts has been fixed as Family Pension with effect from

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1-1-2006. Consequently, the eligible family pensioners in Judicial service who are entitled to draw family pension, will also be entitled to 30% of the salary as revised from time to time. This would be effective from 1-1-2006.

PART-V

SECTION-7

Domestic Help Allowance

40. The First National Judicial Pay Commission has fixed a cash payment of Rs.1250/- per month as Domestic Help Allowance to be paid to the individual pensioner upon furnishing a Certificate every month to the effect that he has engaged a servant.

40(a) The Pensioners Associations have pleaded that the services of all categories of workers/helpers have become much costlier and rate of daily wages of casual workers has also increased to the tune of Rs.151 per day as per Minimum Wages Notification. Therefore, it is difficult for the pensioners to get the facilities out of the amount fixed and the same may be suitably increased. There is justification in the demand so made. In the circumstances, a sum of Rs.1250/- as Domestic Help Allowance to the pensioners may be revised upward to Rs.2500/- per month.

40(b) Requests have also been made for extending the facility of Domestic Help Allowance to the family pensioners. Considering

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the fact that due to advanced age and loss of pensioner, the family pensioners also require assistance in their day-to-day household chores, hence there appears to be real necessity and justification for providing Domestic Help Allowance to family pensioners. However, there was no direction with respect to family pensioners for payment of Domestic Help Allowance. It is for the Hon'ble Supreme Court to decide and issue appropriate directions. It is reasonable to determine Domestic Help Allowance at Rs 1000/- per month.

40(c) Almost all the pensioners have expressed difficulties that they have to give a Certificate every month with much hardship and practical difficulty since the Disbursing Authority insists for the name of the individual domestic help engaged and also the confirmation from the individual domestic help.

40(d) To obviate such difficulties, it is recommended that monthly payment of Rs 2500/- as Domestic Help Allowance may be ordered to be paid without insisting for a Certificate every month, so also for family pensioners such amount, as may be fixed by this Hon'ble Court.

END OF PAGE 35

PART-VSECTION-8Medical Allowance

41. As per recommendation of the First National Judicial Pay Commission, a sum of Rs.100/- per month is being paid as Medical Allowance to the pensioners. It has been pleaded before this Commission that prices of medicines and cost of medical services have increased ten times. Further, the consultation charges of Doctors have also increased. A sum of Rs.100/- is too meagre a sum, when compared to increasing cost of medicines, consultation charges etc. Hence for the serving Judicial Officers, this Commission already proposed Ten fold increase and suggested payment of Rs.1000/- as medical allowance.

41 (a) Taking into consideration of the fact that due to advanced age, the pensioners are more prone to various ailments and thus require more medicines and medical facilities. Their monthly medical allowance may be considered and fixed at Rs.1500/-.

41(b) Requests have also been made for extending the said payment to the family pensioners. Considering the advanced age, the family pensioners also deserve some monthly medical allowance. However, there was no direction with respect to family pensioners for payment of medical allowance. If the Hon'ble

END OF PAGE 36

Supreme Court decides to issue appropriate directions, the Family Pensioners may also be paid Medical Allowance of Rs.750/- per month.

41(c) Regarding reimbursement of medical expenses, the recommendations made by the First National Judicial Pay Commission are to continue.

"END OF PART-V"

appropriate directions, issue Court to

Family Pensioners may also be paid Medical Allowance of Rs.750/-

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National Judicial recommendations by First

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PART -VI

42. Date of implementation of revision and payment of arrears

42(i) Effective Date: with effect from 1-1-2006

The effective date for implementation, as already directed by Hon'ble Supreme Court shall be with effect from 1-1-2006.

42(ii) Directions to pay arrears

It is for the Hon'ble Supreme Court to issue suitable directions with respect to payment of arrears of Pay/DA etc. and other accrued benefits in cash with effect from 1-1-2006 by a date to be fixed.

42(iii) Suggestions by Committee

(a) It is suggested that 50% of the arrears may be directed to be paid before 1-1-2010 and the balance amount may be paid before 1-1-2011 i.e. spread-over a period of two financial years or as may be directed.

Note:-

The Associations pleaded for payment of interest as a default clause. This is for consideration of this Hon'ble Court.

"END OF PART-VI"

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PART -VIIANALYSIS OF DETERMINATION OF PAY SCALE AND ALLOWANCES ETC.

43 As regards the substantive work, which the Commission is directed to carry out, namely determination of pay scales, allowances and other perquisites of the Judicial Officers, having regard to the recommendations already made by Hon'ble Justice Shetty Commission, number of representations were received from various quarters and personal hearings were held and were taken into consideration.

Error in arithmetical calculation of ratio with respect to pay ratio of Civil Judges (Junior Division)

44(1) During hearing and in representations it was pointed out that the ratio of 42.3% arrived at by Hon'ble Justice Shetty Commission in respect of pay scale of Civil Judge (Junior Division) and the salary of the Hon'ble Judges of High Court, is an arithmetical error and arithmetically not correct. There is an error in arriving at the ratio and that the actual ratio works out to 45.28% (rounded off to 45.3%). The Associations representing the Judicial Officers as well as State Governments and High Courts rightly pointed out this arithmetical error, which deserves consideration and acceptance.

END OF PAGE 39

44(2). This Commission also finds that the 42.3 percentage as arrived at by Hon'ble Justice Shetty Commission is not correct. The correct percentage works out to 45.28 (rounded off to 45.3) as seen from the calculation set out hereunder:-

(Mean and % of Rs.26000/-)

Civil Judge (Junior Division) Rs.9000-250-10750-300-13150-
(Entry Level) 350-14550

$$\text{Mean pay } \frac{9000+14550}{2} = 11775$$

$$\text{Ratio} - \frac{11775}{26000} \times 100 = 45.28$$

Ratio of Rs.11775 to Rs.26000 works out to 45.28 (rounded off to 45.3)

44(3). That Apart, if the ratio of 42.3% is applied, then apparently the mean pay as in first National Judicial Pay Commission would have been Rs.11003 and pay scale would have been arrived roughly at Rs.8400-235-10045-280-12285-330-13605. Factually the said Commission determined the mean pay at Rs.11775 and arrived at the scale of Rs.9000-250-10750-300-13150-350-14550 which would work out to 45.28% (rounded off to 45.3%).

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45. Hence, on the basis of revised ratio, scale of pay of Judicial Officers has to be worked out and it is calculated accordingly:-

S.No. (I)	Designation (II)	Existing Scale of Pay as per FNJPC (III)	Revised Scale of Pay now worked out (IV)
1.	Civil Judge (Junior Division) (Entry Level)	Rs.9000-250-10750- 300-13150-350-14550	Rs.27700-770-33090- 920-40450-1080- 44770
2.	Civil Judge (Junior Division) Ist Stage ACP Scale	Rs.10750-300-13150- 350-14900	Rs.33090-920-40450- 1080-45850
3.	Civil Judge (Junior Division) IIInd Stage ACP Scale	Rs. 12850-300-13150- 350-15950-400-17550	Rs. 39530-920- 40450-1080-49090- 1230-54010
4.	Civil Judge (Sr. Division) (Entry Level)	Rs. 12850-300-13150- 350-15950-400-17550	Rs. 39530-920- 40450-1080-49090- 1230-54010
5	Civil Judge (Sr. Division) I Stage A.C.P Scale	Rs. 14200-350-15950- 400-18350	Rs. 43690-1080- 49090-1230-56470
6	Civil Judge (Sr. Divn.) IIInd Stage ACP Scale	Rs. 16750-400-19150- 450-20500	Rs. 51550-1230- 58930-1380-63070
7.	District Judge (Entry Level)	Rs. 16750-400-19150- 450-20500	Rs. 51550-1230- 58930-1380-63070
8	District Judge (Selection Grade)	Rs. 18750-400-19150- 450-21850-500-22850	Rs. 57700-1230- 58930-1380-67210- 1540-70290
9	District Judge (Super Time Scale)	Rs. 22850-500-24850	Rs. 70290-1540- 76450

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NOTE FOR CONSIDERATION:

45(a) However, for any reason, this Hon'ble Court takes the view that the percentage should be continued at 42.3 only for Civil Judge (Junior Division), alternate pay scale of Civil Judge (Junior Division) as determined roughly works out to be Rs.25850-725-30925-860-37805-1015-41865. However, it is submitted that this will not fit appropriately with Master Pay Scale and span of 44 stages recommended by Hon'ble Justice Shetty Commission and also scale of pay of Civil Judge (Senior Division); District Judge (Entry Level); District Judge (Selection Grade) and District Judge (Super Time Scale).

Determination of Mean Basic Pay of the Judicial Officers

46. The expression, 'Mean basic Pay' as adopted by the First National Judicial Pay Commission and the aforesaid respective ratios so fixed are followed and maintained by this Commission in determining the Mean Basic Pay. The determination of Mean Basic Pay works out for the five categories as under:-

S. No	Name of the Post	Existing Scale of Pay as per FNJPC Mean and % of Rs.26000/-	Revised Scale of Pay now worked out	Mean of Basic pay of the proposed scale	% of 80000/-
1.	Civil Judge (Junior Division) (Entry Level)	Rs.9000-250-10750-300-13150-350-14550 (Rs.11775) (45.3%)	Rs.27700-770-33090-920-40450-1080-44770	Rs.36235	45.3%

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2.	Civil Judge (Sr. Division) (Entry Level)	Rs. 12850-300- 13150-350- 15950-400- 17550 <hr/> (Rs.15200) (58.5%)	Rs. 39530- 920-40450- 1080-49090- 1230-54010	Rs.46770	58.5%
3.	District Judge (Entry Level)	Rs. 16750-400- 19150-450- 20500 <hr/> (Rs.18625) (71.6%)	Rs. 51550- 1230-58930- 1380-63070	Rs.57310	71.6%
4	District Judge (Selection Grade)	Rs. 18750-400- 19150-450- 21850-500- 22850 <hr/> (Rs.20800) (80%)	Rs. 57700- 1230-58930- 1380-67210- 1540-70290	Rs.63995	80%
5	District Judge (Super Time Scale)	Rs. 22850-500- 24850 <hr/> (Rs.23850) (91.7%)	Rs. 70290- 1540-76450	Rs.73370	91.7%

46(a) On a consideration of the pay scale and master pay scale worked out and submitted by various High Courts, State Governments, Judicial Officers Associations and individual Judicial Officers, this Commission has worked out the Revised Master Pay Scale having a total span of 44 stages, as in First

END OF PAGE 43

National Judicial Pay Commission and the same is set out hereunder and placed for consideration by this Hon'ble Court :-

MASTER PAY SCALES

(i) This Commission determine the Revised Master Pay Scale with effect from 1-1-2006 as under:-

Rs.27700-770-33090-920-40450-1080-49090-1230-58930-1380-67210-1540-76450

(ii) The above proposed revised scale will replace the existing Master Pay Scale which is as under:-

Rs. 9000-250-10750-300-13150-350-15950-400-19150-450-21850-500-24850

i) Determination of revised Pay for 1 to 44 stages of Master Pay Scale and increments in the revised pay scale as on 1-1-2006 are as under:-

Table -I

SN	PAY STAGES			
	Pay	EXISTING Increment	Pay	PROPOSED Annual Increment
(I)	(II)	(III)	(IV)	(V)
1	9,000	250	27,700	770
2	9,250	250	28,470	770
3	9,500	250	29,240	770
4	9,750	250	30,010	770
5	10,000	250	30,780	770

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6	10,250	250	31,550	770
7	10,500	250	32,320	770
8	10,750	300	33,090	920
9	11,050	300	34,010	920
10	11,350	300	34,930	920
11	11,650	300	35,850	920
12	11,950	300	36,770	920
13	12,250	300	37,690	920
14	12,550	300	38,610	920
15	12,850	300	39,530	920
16	13,150	350	40,450	1,080
17	13,500	350	41,530	1,080
18	13,850	350	42,610	1,080
19	14,200	350	43,690	1,080
20	14,550	350	44,770	1,080
21	14,900	350	45,850	1,080
22	15,250	350	46,930	1,080
23	15,600	350	48,010	1,080
24	15,950	400	49,090	1,230
25	16,350	400	50,320	1,230
26	16,750	400	51,550	1,230
27	17,150	400	52,780	1,230
28	17,550	400	54,010	1,230
29	17,950	400	55,240	1,230
30	18,350	400	56,470	1,230
31	18,750	400	57,700	1,230
32	19,150	450	58,930	1,380
33	19,600	450	60,310	1,380
34	20,050	450	61,690	1,380
35	20,500	450	63,070	1,380
36	20,950	450	64,450	1,380
37	21,400	450	65,830	1,380

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38	21,850	500	67,210	1,540
39	22,350	500	68,750	1,540
40	22,850	500	70,290	1,540
41	23,350	500	71,830	1,540
42	23,850	500	73,370	1,540
43	24,350	500	74,910	1,540
44	24,850		76,450	

46(b) The Master Pay Scale as submitted by some High Courts, Judicial Officers Associations are enclosed as Annexure 'G' for immediate reference.

46(c) It is submitted that the difference in the Pay stages and Master Pay Scale determined by this Commission vis-a-vis those suggested by some High Courts, State Governments, Associations and individuals is negligible or fractional, since this Commission has also worked out the percentage of the scale of pay and mean pay at the ratio indicated, while taking note of the maximum that is permissible in terms of Hon'ble Justice Shetty Commission Report.

46(d) The minimum of the revised scale of pay works out to Rs.27700/-. The pay of the High Court Judge is Rs.80000/-. Therefore, in view of vertical cap, the maximum of the Master Pay Scale is determined at Rs.76450/-.

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Fitment

47. With respect to the scales of pay as already stated, the Judicial Officers in the cadre of Civil Judge (Junior Division), Civil Judge (Senior Division), District Judge (Entry Level), District Judge (Selection Grade) and District Judge (Super Time Scale) consequent to the revision of pay scales by Hon'ble Justice Shetty Commission has been fitted in one or the other of 1 to 44 of pay scale stages.

47(a) That being the factual position, consequent to the revision of salary of High Court Judges by way of High Courts and Supreme Court Judges (Salaries and Conditions of Service), Amendment notified on 9-1-2009, which upward revision works out to 3.07 times, the corresponding increase in scale of pay alone need to be arrived at as eligible scales of pay. Therefore, the question of fitment or fixation of pay by giving one or more increment or additional weightage does not arise. The pay drawn in the existing scale of pay specified in Column II of the pay stages in Table I will correspond to the same stage in the revised scale of pay specified in Column IV thereof with increment as found in 44 stages of Master Pay Scale.

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Annual Increment

48 As regards the annual increment, revised increments for the six incremental stages have been indicated in the Master Pay Scale itself. Correspondingly, the increments are enumerated for all the pay scales.

48(a) While arriving at annual increments, this Commission has also taken into consideration the increase of 3.07 times of salary as well as consequential increment which may not exceed the same ratio namely 45.3%, 58.5% and 71.6% respectively of High Court Judges pay.

48(b) Some Associations have requested for increment @ 3% on par with the Central Government employees or even more. If increments @ 3% or more are given, it will have the effect of disturbing the ratio fixed by Hon'ble Justice Shetty Commission as approved by this Hon'ble Court and if applied uniformly in all the proposed revised scales, the maximum of the scale of District Judge (Super Time Scale) will exceed the pay of High Court Judge.

Assured Career Progression Scheme

49. With respect to Assured Career Progression Scheme, the recommendations made by First National Judicial Pay Commission to continue and accordingly the following revised scales of pay for

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ACP Stage I and II are recommended for financial upgradation for Civil Judges (Junior Division) and Civil Judges (Senior Division) which may be granted to Civil Judge and Civil Judge (Senior Division) subject to fulfilment of prescribed conditions:-

S.No. (I)	Designation (II)	Existing Scale of Pay (III)	Revised ACP Scale (IV)
1.	Civil Judge (Junior Division) Ist Stage ACP Scale	Rs.10750-300- 13150-350-14900	Rs.33090-920- 40450-1080- 45850 after five years of continuous service from the date of entry.
2.	Civil Judge (Jr. Division) IInd Stage ACP Scale	Rs. 12850-300- 13150-350-15950- 400-17550	Rs. 39530-920- 40450-1080- 49090-1230-54010 after completion of another 5 yrs of continuous service
3	Civil Judge (Sr. Division) I Stage A.C.P Scale	Rs. 14200-350- 15950-400-18350	Rs.43690-1080- 49090-1230- 56470 after 5 years of continuous service.
4	Civil Judge (Sr. Division) IInd Stage ACP Scale	Rs. 16750-400- 19150-450-20500	Rs.51550-1230- 58930-1380- 63070 after completion of another 5 years of continuous service.

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Functional promotions to District Judges (Selection Grade and Super Time Scale)

50. Promotions to the cadre of District Judges on a functional basis in the form of 'Selection Grade' and 'Super Time Scale' based on merit-cum-seniority basis as recommended by the First National Judicial Pay Commission to continue and the following Selection Grade and Super Time Scale are recommended which may be granted to the District Judges on functional basis subject to fulfillment of prescribed conditions:-

5	District Judge (Selection Grade)	Rs. 18750-400-19150-450-21850-500-22850	Rs. 57700-1230-58930-1380-67210-1540-70290 on merit-cum-seniority to available 25% of the cadre posts to those officers who have put in not less than five years of continuous service in the cadre.
6	District Judge (Super Time Scale)	Rs. 22850-500-24850	Rs.70290-1540-76450 on merit-cum-seniority to available 10% of the Selection Grade to those Officers who have put in not less than three years of continuous service as Selection Grade Distt Judges.

Dearness Allowance

51 As regards determination of DA, the First National Judicial Pay Commission recommended that same Dearness formula as

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being implemented at present to the Central Government employees be followed in case of Judicial Officers in every State. Revision of pay scales as well as revision of Dearness Allowance has been notified by the Central Government with effect from 1-1-2006.

51(a) The rate of Dearness Allowance as presently implemented by the Central Government in respect of Central Government employees is to be adopted and implemented in case of Judicial Officers by all the States.

City Compensatory Allowance

52 The First National Judicial Pay Commission suggested payment of City Compensatory Allowance at the rates payable to respective State Government employees and this has been approved by the Hon'ble Supreme Court vide Judgment reported in 2002 (IV) SCC 247 in the matter of All India Judges Association Verus Union of India.

52(a) The recommendation of the First National Judicial Pay Commission and as ordered by the Hon'ble Supreme Court is to be continued and followed.

Other allowances and perquisites.

53 The other recommendations of Hon'ble Justice Shetty Commission, namely allowances and other perquisites are to be

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worked out in the same ratio or there about and rounded off for convenience.

53(a) With respect to the allowances and other perquisites, demands made by the Judicial Officers Associations and recommendations of High Courts are analysed and recommendations submitted.

53(b) Having regard to the revision of pay scales, pay scale stages, the 3.07 times upward revision or there about is taken into consideration in respect of the allowances, perquisites etc. of Judicial Officers and the determinations and calculations are set hereunder:-

Sumptuary Allowance

54. The Judicial Officers as well their Associations demanded fixation of Sumptuary Allowance in proportion to increase of Sumptuary Allowance of Rs.12000/- as being paid to the Hon'ble High Court Judges. However, this Commission came across more than 1/3rd of the representations suggesting a fair amount of Sumptuary Allowance, that works out a reasonable figure and a fair basis as well. Following three formulas are discussed for determining the Sumptuary Allowance.

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Formula-I

54(a) The determination of Sumptuary Allowance is worked out with reference to existing minimum of pay scale of the respective Judicial Officers, Civil Judges (Junior Division) (Entry Level), Civil Judges (Senior Division) (Entry Level), and District Judges. The ratio respectively comes to 5.55%; 5.83% and 5.97% of the minimum of the pre-revised scale and on that basis the Sumptuary Allowance, if worked out in proportion of revised scale of pay, comes to Rs.1537/- for Civil Judges (Junior Division), Rs.2305/- for Civil Judges (Senior Division) and Rs.3078/- for all District Judges as given hereunder:-

S.NO	NAME OF THE POST	PROPOSED SUMPTUARY ALLOWANCE
1.	Civil Judge (Jr. Division) 5.55%	Rs.1537/-
2.	Civil Judge (Sr. Division) 5.83%	Rs.2305/-
3.	District Judges 5.97%	Rs.3078/-

Formula-II

54(b) Alternatively, it was considered appropriate to revise rate of Sumptuary Allowance by using multiplier of 3.07 times, which is the ratio of increase in pay scale, it comes to Rs.1535/- for Civil Judges (Junior Division), Rs.2303/- for Civil Judges (Senior Division) and Rs.3070/- for all District Judges respectively as

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per details set out below. Since the Sumptuary Allowance has been fixed at three grades, this Commission has also worked out the revised rate of Sumptuary Allowance for three grades.

S.NO	NAME OF THE POST	PROPOSED SUMPTUARY ALLOWANCE
1.	Civil Judge (Jr. Division) increase to 3.07 times	Rs.1535/-
2.	Civil Judge (Sr. Division) increase to 3.07 times	Rs.2303/-
3.	District Judges increase to 3.07 times	Rs.3070/-

Formula III

54(c) Taking the mean pay and ratio which prevailed earlier, the Sumptuary Allowance if determined will work out as under:-

S.No.	Name of the Post	Existing Sumptuary Allowance (P.M.)	Calculation	Sumptuary Allowance based on the mean of the proposed scale (rounded off)
1.	Civil Judges (Jr. Division)	Rs.500/-	$\frac{500 \times 100}{11775} = 4.24\%$	4.24% of Rs.36235 = Rs.1536/- Say Rs.1500/-
2.	Civil Judges (Sr. Division)	Rs.750/-	$\frac{750 \times 100}{15200} = 4.93\%$	4.93% of Rs.46770 = Rs.2306/- Say Rs.2300/-

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3.	District Judges	Rs.1000/-	$\frac{1000}{18625} \times 100 = 5.36\%$	5.36% of Rs.57310 = Rs.3072/- say 3100/-
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54(d) Considering the above three set of formulas, striking a balance of the three, and rounding off the figures, this Commission determines Sumptuary Allowance as hereunder:-

- (1) Civil Judges (Junior Division) - Rs.1500/-
- (2) Civil Judges (Senior Division) - Rs.2300/-
- (3) District Judges (All Levels) - Rs.3100/-

Reimbursement of Electricity and Water Charges:-

55. The First National Judicial Pay Commission recommended reimbursement of 50% of the electricity charges by the States while balance 50% is to be borne by the Judicial Officers. As seen from the representations, while some States are liberal and there is no ceiling in this respect, in some States, annual ceiling has been fixed. In some of the States, the quantum of electricity charges to be reimbursed has been fixed in terms of rupees.

54(a) On a consideration of the entire materials placed, this Commission is of the considered view that it is desirable to continue the same ratio of 50: 50 but subject to a cap. It is a fact that all the Judicial Officers run office for 3 to 4 hours daily, at their residence for study or giving dictation etc. Taking

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into consideration of all these aspects, it may be appropriate to fix a cap on the basis of units of electricity consumed rather than fixing the monthly ceiling in terms of fixed amount as revision of tariff rates is too frequent and vary from State to State.

55(b) Reimbursement of electricity charges at 50:50 as fixed by the First National Judicial Pay Commission is to be continued.

56. With respect to reimbursement of water charges, the First National Judicial Pay Commission has also fixed reimbursement at 50% of the actual consumption. The same may be continued.

Medical Allowance -

57. As regards reimbursement on hospitalization, there is no difficulty as uniform rule has been followed as per the recommendations of the First National Judicial pay Commission.

57(a) The First National Judicial Pay Commission fixed Rs.100/- per month as medical allowance. It was pressed that Rs.100/- fixed as monthly medical allowance is very meager and it has to be increased to Rs.3000/- p.m. as there has been Ten fold increase in the cost of medicines as well as consultation charges etc. Taking into consideration of steep increase in cost of medicines and medical services, it would be reasonable to fix the medical allowance at Rs.1000/- per month to all Judicial Officers

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SUPPLEMENT NOTE TO
REPORT DATED 17TH JULY, 2009

Reg. Robe Allowance:-

The amount "Rs.6000/-" occurring in second line of Para 60, Part VII at page 57 of the Report may be read as "Rs.5000/-".



Justice E. Padmanabhan (Retd.)
(One Man Commission)

Dated: 20th of July, 2009
at New Delhi.

irrespective of their cadre and the same may be paid with pay.

Newspaper and Magazine Allowance -

58. The recommendations of Hon'ble Justice Shetty Commission do not warrant any alteration or change as all the Judicial Officers have fairly accepted the same, excepting some of them seeking for one more additional magazine. This Commission while following the recommendations of Hon'ble Justice Shetty Commission reiterate the same and submit that no change is justified.

Hill Area and Remote Area Allowance

59. The Judicial Offices working in hill stations were to be paid Hill Area Allowance on the pattern followed by the States concerned.

59(a) This Commission uniformly recommends Hill Area Allowance at Rs.1500/- p.m. to all Judicial Officers when they are posted in hill areas, which amount will be in proportion to 3.07 increase in pay scale.

Robe Allowance

5000/-

60. The First National Judicial Pay Commission fixed a lump sum amount of Rs. ~~6000/-~~ as Robe Allowance to be paid to Judicial Officers once in every five years. Demands have been made by Judicial Officers, their Associations for a steep and three fold

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increase to the extent of Rs.15000 apart from kit maintenance allowance in this respect, but no material has been placed before this Commission to justify the steep increase.

60(a) Considering the fact that there is an increase in cost of materials as well as making charges though there is prescription with respect to Judicial officers to wear coat, gown, collar band, shirts etc. the demand of Judicial Officers to increase the Robe Allowance to three fold is not at all justified and this Commission determine the Robe Allowance at Rs.6000/- which may be given once in three years as against 5 years as suggested by Hon'ble Justice Shetty Commission.

Telephone Facilities

61. Sufficient provision has already been made in the First National Judicial Pay Commission Report which has since been implemented. Since the calls have been fixed on monthly rates of user, no change is called for in this respect.

62. Conveyance

As per earlier Commission's Report, Pool Cars have been provided so also Cars for District Judges, Additional District Judges with fuel and the Judicial Officers are being given petrol, on the basis of type of personal vehicle they use. As of now, since this Commission has to adopt the basis adopted by Hon'ble

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Justice Shetty Commission, no change with respect to the conveyance or fuel is called for except for a small modification, namely,

(i) one pool car for three Judicial Officers be provided as it was expressed that it is difficult to accommodate four Judicial Officers in a car with their luggage

(ii) when the Judicial Officers are stationed in hilly tracts like Mizoram, Arunachal Pradesh, Nagaland etc, two wheel drive vehicles are reported to be a failure and a request was made for provision of four wheel drive vehicle. This being a just and reasonable request, in respect of Judicial Officers posted in Mizoram, Arunachal Pradesh, Nagaland and other States where they have to travel through hilly regions, the State Governments may be directed to provide vehicles with four wheel drives instead of two wheel drives.

LTC.

63. In terms of Report of earlier Commission, Leave Travel Concession is provided once in a block period of four years subject to the condition that a Judicial Officer should complete five years of continuous service before availing LTC.

63(a) Suggestions/representations have been received from the Gujarat High Court and other High Courts that to attract better talent, LTC should be provided at least once in two years.

63(b) Since the basis which this Commission has to follow is that of Hon'ble Justice Shetty Commission, while suggesting that one

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LTC to be provided in a block period of 4 years anywhere in India, this Commission suggests slight modification for consideration in the matter to the following extent:-

i) The Judicial Officer concerned may be permitted to avail LTC on completion of two years of continuous service and after successful completion of the period of probation, while retaining the block period of 4 years as eligible period;

(ii) As per recommendations of Hon'ble Justice Shetty Commission, the retiring Judicial Officers are not eligible to undertake LTC in the last year of their service. This has to be modified as if for reasons beyond control, Judicial Officers who are eligible to avail LTC, which they are eligible once in a block period of four years, may have been prevented by sufficient cause and there is no justification to deny the same benefit merely because they are left with one year's of their service. Hence, if otherwise eligible to avail LTC, even a Judicial Officer in the last year of his service may be allowed to avail LTC. This is for consideration of this Hon'ble Court.

Home Travel Concession

64. In terms of Hon'ble Justice Shetty Commission Report, a Judicial Officer is entitled to Home Travel Concession once in two years. No change is called for in respect of HTC except a proviso, namely, in case where a Judicial Officer is subjected to two or more transfers in the same cadre from one end of the State to other, for administrative reasons, he may be allowed to

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avail an additional Home Travel Concession in addition to the HTC for which he is eligible. This is for consideration of this Hon'ble Court.

Special Pay

65. The recommendation of the First National Judicial Pay Commission as approved by the Hon'ble Supreme Court is to be continued and followed.

Concurrent Charge Allowance

66. The recommendation of the First National Judicial Pay Commission as approved by the Hon'ble Supreme Court is to be continued and followed.

Encashment of Leave

67. The recommendation of the First National Judicial Pay Commission as approved by the Hon'ble Supreme Court is to be continued and followed.

Transfer Grant/Disturbance Allowance

68. The recommendation of the First National Judicial Pay Commission and approved by the Hon'ble Supreme Court is to be continued and followed.

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Housing and HRA etc.

69. The recommendation of the First National Judicial Pay Commission and approved by the Hon'ble Supreme Court is to be continued and followed.

Fuel Allowance:

70. The recommendation of the First National Judicial Pay Commission and approved by the Hon'ble Supreme Court is to be continued and followed.

70(a) The only recommendation suggested is that Officers need not produce the bills for the purchase of fuel to satisfy the Disbursing Authority and instead a Certificate or Declaration by individual Judicial Officer of his having consumed the eligible quantum of fuel has to be accepted and payment has to be disbursed accordingly.

71. As there has been implementation of the new scales of pay with effect from 1-1-2006 by the State Governments, there is bound to be consecutive increase of various allowances in respect of Judicial Officers, as the earlier Commission has already suggested that the rates at which the State Governments/Central Government employees are eligible will also be extended to the Judicial Officers. This has to be taken into

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consideration while assessing or determining the various allowances, perquisites etc. of Judicial Officers.

ADVANCES

72 Earlier the First National Judicial Pay Commission recommended Rs.2.5 lakh soft loan for purchase of vehicles and for purchase of house or residential accommodation, the earlier recommendation was that all the State Governments/Union Territories may adopt a limit prescribed by Central Government for giving advances to Judicial Officers for construction/purchase of house.

72(a) Since there is a 3.07 fold of increase, there could be consequential increase in respect of these two advances.

(i) Advance for purchase of Car

Soft loan of Rs.2.5 lakh was recommended by the First National Judicial Pay Commission on a nominal interest repayable in easy instalments. Advance of soft loan for purchase of motor vehicles on annual interest has to be necessarily increased to a limit of Rs.8 lakh subject to interest rate as is payable for such loan by respective State Government employees.

(ii) House Building Advance

House Building Advance as per First National Judicial Pay Commission in proportion to revision of pay scale with usual

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...terest on par with State Govt. employees to be continued.

(iii) Advance for purchase of computers

This may not be continued since already Lap Top has been provided by the Central Government to all the Judicial Officers as per the recommendations of E-Committee.

"END OF PART-VII"

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PART VIIIVARIOUS DEMANDS MADE BY THE JUDICIAL OFFICERS ASSOCIATIONS AND PENSIONERS ASSOCIATION WHICH FALL OUTSIDE THE SCOPE OF REFERENCE TO THIS COMMISSION

73. Most of the Associations', their representatives, several Judicial officers as well as pensioners pressed for scales and various benefits on par with VIth Central Pay Commission scales, DA, perquisites etc. as notified by the Central Government to its employees, while pointing out that many of the State Governments have adopted and notified Sixth Central Pay Commission pay scales in their respective States for State Government employees.

74. Since most of the demands so made are outside the scope of reference made to this Commission by the Hon'ble Court, this Commission has enumerated those demands, which require consideration either by this Hon'ble Court or by separate Judicial Pay Commission or at the appropriate level and they are given hereunder:-

1.	Home Orderly Allowance
2.	Children Education Allowance
3.	Family Planning Allowance

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4.	Telephone with Cell at Rs.1000-1500-2000-3000 respectively along with landline facility i.e. unlimited, 5000/3000, 3000/2500 and 2500/1500 at Office and residence respectively as per the cadre. STD facility at residence
5.	Free furnishing/furniture allowance - Rs.1 lac at every five years (Delhi is giving Rs.93000/-)
6.	Rural Area Allowance
7.	Risk Allowance - Rs.2000/- p.m. for insurgency affected areas.
8.	Deputation Allowance : 10% of basic pay (or Rs.3000/- to Rs.7000/- p.m. as per cadre)
9.	Five Days a week
10.	Handicapped Allowance
11.	Home Library Allowance
12.	Air travel facility to all Judicial Officers while availing LTC
13.	Additional increments for acquiring higher qualifications
14.	Change of software such as windows/MS Office in Lap Top already provided and providing of Dragon Speech Software and SCC on line, AIR on line, Local Law Journals on line.
15.	25% increase of allowances automatically whenever Dearness Allowance goes upto 50%
16.	Facility of Constant Attendant Allowance at the rate of Rs.3000/- p.m.
17.	Restoration of commuted pension after 10/12 years
18.	Annual grant for purchase of books and law journals
19.	Encashment of 365 days of earned leave
20.	Provision for Transit/Guest House facility
21.	Issuance of Car stickers for personal cars of Judicial Officers as also for providing red light atop the vehicles of the Judicial Officers

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22.	Encashment of HPL
23.	15 days Special Casual Leave for Office Bearers of the Judicial Officers Associations for attending meetings and conferences
24.	Raising of retirement age to 62 years
25.	Issue of Seniority - Rota Quota
26.	Method of Promotion - Selection
27.	Separate Forum (State Level and National Level) for settlement of various administrative and service grievances/problems
28.	Parity with Officers of I.A.S.
29.	Transport : Rs.7000 + 20% DA p.m. as per VIth Pay Commission in the alternative Rs.25000/- p.m. + Rs.4000/- p.m. for driver as per Maharashtra submission: considering the ratio of 200 litres p.m. for H.Court Judges.
30.	General Insurance Scheme : Covering risk upto Rs.10 lacs (Self-contribution of Rs.1000/- p.m.)
31.	Housing project priority: 10% reservation in Govt./subsidiary projects with fixed carpet area as per cadre.
32.	Earned Leave : on duty on holidays to be allowed
33.	Advance for payment of rental: Three/Four months rent prayed as demanded by the landlords
34.	Conveyance-ToOfficers not using Govt. vehicle/private vehicle to be given reasonable amount i.e. Rs.2500-3000 p.m.
35.	Mid Academic Transfer : Rs.2000/- p.m.
36.	Advance salary for meeting contingencies - 15 days salary prayed.
37.	Protocol to Distt. Judiciary - to be maintained as per their status as Executives
38.	Priority in reservations/bookings : even in educational institution along with transportation, guest houses, rest houses etc.
39.	Residential Office Maintenance : Rs.7500/- per month

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40.	II ACP along with fixation of seniority to be finalized promptly.
41	Identity Cards to Pensioners and Family Pensioners to avail medical facilities etc.
42.	Tax free Sumptuary Allowance and Medical Allowance
43	Remuneration/for special tasks/work or assignment like conducting exams, posting in rural areas etc.
44.	The Judicial Officers be permitted to use official car beyond local limits.
45	Extra remuneration/honorarium to attend to Legal Aid Programmes, conferences and connected assignments including additional fuel.
46	Security for Judicial Officers
47.	Training- continuing Legal Education Court Management
48.	Training to handle the manpower
49.	Training for smooth handling of Bar Members and for preservation of standards.
50.	Civil Judges (Jr. Division) with 5 years service may be permitted to participate in the limited competitive examination for selection of 25% of posts of Distt.Judges.
51.	In-service Judicial Officers be permitted to participate in the process for direct recruitment to the post of Distt. Judges.
52.	Extension of benefit of credit of un-availed portion of joining time as earned leave as applicable to Central Government employees.
53.	Promotion of Selection Grade or Super Time Scale be given on the basis of work experience. The Selection Grade be granted automatically after completion of 5 years at entry level and Super Time Scale after completion of 3 years in Selection Grade.

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54.	Provision for a Driver for each Judicial Officer even for personal car
55.	Security at home as well as in the Court of all Judl. Officers
56.	Minimum 15 years service for voluntary retirement.

75. Repeated demands have been made for constitution of full-fledged Judicial Pay Commission as was done earlier and appointment of a Judicial Pay Commission should normally be made when Central Pay Commission is constituted and notified.

"END OF PART-VIII"

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PART -IXFEW DEMANDS WHICH DO NOT COST THE EXCHEQUER

1.	Five Days a week
2.	Provision for Transit/Guest House facility
3.	Issuance of Car stickers for personal cars of Judicial Officers as also for providing red light atop the vehicles of the particular level of Judicial Officers
4.	Issue of Seniority - Rota-Quota
5.	Separate Forum (State Level and National Level) for settlement of various administrative and service grievances/problems
6.	Welfare activities for the fraternity in general
7.	Advance of salary for meeting contingencies - 15 days salary prayed.
8.	Protocol to Distt. Judiciary - to be maintained as per their status as executives
9.	Priority in reservations/bookings : along with transportation, guest houses, rest houses etc.
10.	Identity Cards to Pensioners and Family Pensioners to avail medical facilities etc.
11.	II ACP along with fixation of seniority to be finalized promptly.
12.	Change of nomenclature of Civil Judge (Junior Division) to Civil Judge

"END OF PART-IX"

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REPORT CONCLUDED



17.7.2009